



Dear Chairman Trump:

We have become aware of a February 5, 2019 letter from the Rivers Coalition and other groups objecting to the manner in which SB 167 (now bundled into SB 163) was handled by the Senate Judiciary Committee. We would like to make a few points in support of the Committee's actions and about the process it followed. Please include this letter in the open record you established.

First, we would note that the Rivers Coalition reports that three states (Texas, Montana and Washington) have adopted the EPA default criteria, and that approvals in two other states, (Pennsylvania and Virginia) are pending. They have identified five states that have, or are in the process of, adopting revised human health criteria. In other words, there appear to be many states that have not yet adopted updated criteria, and West Virginia is not alone in giving due consideration to the criteria beyond this year. For example, we have been told that Kentucky, Tennessee, North Carolina, South Carolina, and Georgia are all deferring adoption of the 2015 criteria during their current triennial reviews.

Furthermore, for those states that have adopted updated criteria, many do not apply them in the same way as West Virginia. We have been told that Texas adopted new human health criteria that it recalculated based on state values, not the EPA default numbers. We have been told by Scott Mandirola of the WV DEP that Virginia uses the less stringent 1 in 100,000 risk factor in setting the human health standards for carcinogens, rather than the more protective 1 in 1,000,000 factor West Virginia uses, resulting in more stringent limits in West Virginia. In addition, many states do not apply these human health criteria to dischargers who don't impact a public water supply. In West Virginia, we treat every discharger as if it is discharging into a drinking water supply, even though it is not. If these proposed human health criteria did not apply to our dischargers, then our manufacturers, municipalities and miners might not be as concerned about them.

We would also object to the assertion that we waited too long to raise our concerns about the human health criteria. We participated in the rulemaking process exactly as we should, and precisely as we, and all other interested parties, have in the past. The human health revisions were proposed by the DEP in June of 2018, and industry urged the DEP to recalculate the proposed criteria using West Virginia-specific factors. The DEP did adjust for state-wide fish consumption, but none others. After DEP issued its post-comment rule, industry continued to voice its objections to the DEP, and raised its concerns with the Legislative Rule-Making Review Committee, the next step in the rulemaking process.

Next Page, Please

The LRRC decided to allow more time, and the WVMA, being given the opportunity to do work that it felt the DEP should have done, began the process of locating someone who could do the difficult technical analysis needed to properly calculate criteria. That work takes significant time and must be done for a range of criteria. Even if that work were completed today, the legislature is not the place to resolve technical issues. The Committee's decision to allow time to do the extensive work that is necessary will also allow technical review of the work by the WV DEP and the public.

All of this might be moot if the public health were at issue. However, we have not heard from the Rivers Coalition, or anyone else, of a single public water supply that is in danger of not meeting safe drinking water levels because of the failure to adopt the EPA default criteria. The Committee did not put citizens at risk by allowing time to re-evaluate human health criteria using state-specific factors.

We think it unfortunate that the Rivers Coalition and its partners chose to complain that statements made in support of the Committee's actions were not made under oath. This was an informal gathering and no one's statements, including those of the Coalition's representatives, were under oath, or would be expected to be sworn statements. The Rivers Coalition's stated concerns are clearly intended to suggest that our positions were less than honest. We can assure you that our positions are heartfelt and are offered in an attempt to accurately represent the science and the facts as we understand them. We would make the same assumption about the Rivers Coalition, until they prove otherwise, and would urge them to join us in addressing the merits of this debate, not cast aspersions on those they disagree with.

We thank the Committee for the action it took and hope the Senate will send SB 163 to the House in its present form.

With appreciation,



Rebecca McPhail,
WV Manufacturers Association



Bill Raney,
WV Coal Association



Chris Hamilton,
WV Business & Industry Council



Steve Roberts,
WV Chamber of Commerce

February 13, 2019

Mr. Roger Hanshaw
Room 228M, Building 1
State Capitol Complex
Charleston, WV 25305

Dear Mr. Speaker:

As a member of the economic community, we would like to make clear our support for SB 163 as it was received from the WV Senate. AC&S, Inc. supports environmental regulations when they are based on fair scientific research and careful consideration of all the facts. West Virginia is in need of manufacturing investment and job growth, and we believe that adopting the US EPA human health criteria, as they are, could jeopardize that investment and growth.

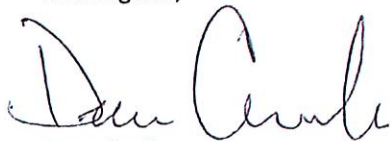
AC&S, Incorporated has had a long and stable presence in the Valley as a small chemical manufacturer providing good paying jobs for the community and staying committed to being a West Virginia based company. Along with our economic commitment to the state, we take pride in operating our business in a sustainable manner that meets and often exceeds local, state, and federal environmental regulations. Our company is an active member of the American Chemistry Council and is certified in RC14001 and ISO 9001 management systems. RC14001, specifically, is a comprehensive Responsible Care® management system that defines and monitors member-wide expectations in environmental, health, safety, security, product stewardship and outreach management. We hold ourselves to the same standards as the major companies in the American chemical manufacturing family.

Taking the time to thoroughly review the facts and science specific to West Virginia, when considering human health water quality standards, is not a new concept. The US EPA has encouraged the use of state-specific data as they see the value in this type of detailed analysis. Other states are also taking the time to evaluate these criteria. Only three states have adopted the EPA's criteria in full, and several other states have decided to defer adoption of the 2015 criteria during their current triennial reviews. West Virginia is not alone in giving due consideration to the criteria beyond this year.

The West Virginia Senate has recognized the need for more time for both DEP and industry to study EPA's proposed human health criteria and determine what is right and best for West Virginia. SB163 reflects that by providing more time for DEP's rule making process. The US EPA encourages the use of state-specific values when adopting human health water quality standards, so the new approach via SB163 is in line with the state's primacy over its water quality standards. The WVMA has begun work to honor its commitment to provide more information based on sound science that is representative of West Virginia water inputs.

We urge you to support SB 163 as it was received from the WV Senate.

Kind Regards,



Dean Cordle
President & CEO



Eric A. Miller
Environmental, Health, Safety
& Security Manager



Dear Speaker Hanshaw,

I wanted to reach out to you and let you know that I believe the current SB 163, which maintains current standards and allows additional time to study West Virginia specific information before establishing human health criteria, is a very reasonable bill and will not put the public water supply in any danger nor place undue burdens on manufacturers, Municipal sewage plants, or various utilities. The West Virginia Senate has recognized the need for this additional time for both DEP and industry to determine what is right and best for West Virginia, and SB163 reflects this.

The US EPA encourages the use of state-specific values when adopting human health water quality standards, so the new approach via SB163 is in line with the state's primacy over its water quality standards. The West Virginia Manufacturer's Association, which ArcelorMittal Weirton is a member of, has begun work to honor its commitment to provide more information based on sound science that is representative of West Virginia water inputs.

We at ArcelorMittal Weirton take our stewardship of the waterways very seriously. We have invested several million dollars over my fourteen year tenure here at Weirton to make sure we are not endangering the water supply or the health of the waterways in general. Taking a step back to apply sound science and technical expertise to the adoption of human health water quality criteria is a good idea, for both the public in general as well as manufacturers or any other entity that is discharging into public waterways.

If you have any questions please feel free to reach out to me or Susan Zlajic, ArcelorMittal USA Government Relations at 219-256-3137.

Sincerely,

Brian James
General Manager
ArcelorMittal Weirton
(304)797-2296



February 12, 2018

The Hon. Roger Hanshaw, Speaker of the House
West Virginia House of Delegates
Room 228M, Building 1
State Capitol Complex
Charleston, WV 25305

Dear Speaker Hanshaw,

Braskem America, Inc. (Braskem) urges you to support SB 163 as it was received from the WV Senate.

The West Virginia Senate has recognized the need for more time for both DEP and industry to study EPA's proposed human health criteria and determine what is right and best for West Virginia. SB163 supports that by providing more time for DEP's rule making process

Here are two examples where EPA's proposed human health criteria are problematic to Braskem and why more time is needed.

- Bis (2-ethylhexyl) phthalate has a proposed criteria of 0.81 ug/l. While we do not use this chemical in our operations, we regularly see interferences from the sample tubing over ten times the proposed level. This will result in countless false positives for Braskem and everyone else using generally accepted sample system materials. The final criteria needs to address this dilemma.
- Butylbenzyl Phthalate has a proposed criteria of 0.22 ug/l which is lower than the current minimum detection level (MDL) of 0.3 ug/l. While we have always received results below the MDL, we cannot scientifically say the results were below 0.22 ug/l. Final criteria cannot be below current technology detection levels.

We understand that the WVMA has begun work to honor its commitment to provide more information based on sound science that is representative of West Virginia water inputs and will result in much better water quality standards in the end.

Should you have any questions or comments pertaining to this submission, please contact me at (610) 497-8204.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Rabik", written over a horizontal line.

Gary P. Rabik P.E.
HES Environmental Lead

cc: WV House of Delegates

750 West 10th Street

Marcus Hook, PA 19061
www.braskem.com



February 13, 2019

The Honorable Roger Hanshaw
Speaker of the House of Delegates
West Virginia Capitol
1900 Kanawha Boulevard, East
Charleston, WV 25305

The Chemours Company
Fluoroproducts
Washington Works
8480 DuPont Road
PO Box 1217
Washington, WV 26181

304-863-4000
chemours.com

Dear Mr. Speaker:

On behalf of nearly 900 employees and contractors at the Chemours Washington Works I would like to urge the House of Delegates to pass SB 163 in the form that it came from the Senate. SB 163 is the Department of Environmental Protection's rules bundle, and contains important changes to the water quality standards that should be preserved.

When the Environmental Protection Agency revised its default human health criteria in 2015, it did so making assumptions that were extremely conservative, and that may not have been applicable to West Virginia. Industry and municipalities have engaged Henthorn Environmental to take a closer look at the assumptions behind the human health criteria, to see whether EPA's approach is the most reasonable for West Virginia. The water quality standards, 47 C.S.R. 2, that are bundled in the SB 163 rules package, now contain a deadline for completion of that evaluation, and allow time for review by the DEP and the public. Making the effort to get the science right is crucial for the businesses and municipalities in West Virginia whose permits are affected by these revised criteria.

We understand that West Virginia is not alone in needing more time to evaluate the applicability of the human health criteria. In fact, in a letter to Senator Trump from the West Virginia Rivers Coalition, only three states were identified that have adopted the criteria, and at least one of them, Texas, did so after recalculating the criteria. Furthermore, we have been told by the American Chemistry Council that EPA may soon be providing guidance and workshops for states that want to tailor human health criteria to their own conditions and situations. It is clear that West Virginia is not behind the pack when it comes to trying to develop state-specific water quality standards.

Taking our time to get the criteria right will not present a harm to state citizens. West Virginia already provides additional protections in the manner in which it applies the existing human health criteria, that likely mean we are already at least as protective as the new proposed criteria. Our application of the public water supply use throughout the state, and the use of a conservative one-in-a-million cancer factor, already are more protective than most of our neighboring states. They allow us the freedom to carefully evaluate the EPA's draft criteria, so we can get it right for West Virginia.

Please let me know if you have any questions, or if I can provide any additional information about SB 163 and its possible effect on Chemours Washington Works.

Respectfully,

Bob Fehrenbacher
Plant Manager, Washington Works

cc: Members of the House of Delegates



The Chemours Company
Chemical Solutions
901 West DuPont Avenue
Belle, WV 25015

304-357-1000 o
chemours.com

February 13, 2019

The Honorable Roger Hanshaw
Speaker of the House of Delegates
West Virginia Capitol
1900 Kanawha Boulevard, East
Charleston, WV 25305

Dear Mr. Speaker:

The Chemours Belle Plant welcomes this opportunity to support SB 163, the Department of Environmental Protection (DEP) rules bundle, which contains changes to 47 C.S.R. 2, the West Virginia water quality standards. We urge the House of Delegates to pass SB 163 in the same form that it received it, and provide time for a proper development of human health criteria.

One of our concerns is that some of the Environmental Protection Agency's human health criteria are set at levels that are below detection. As the DEP noted in its own comments to the in 2014, criteria that are set at such low levels can result in greater analytical costs and false positives. That is particularly true when dealing with the interferences that are present in wastewater samples. The result is greater exposure to the appearance of violations that aren't actually occurring.

The West Virginia Manufacturers Association has already begun the process of trying to address this aspect of the new criteria by proposing a way to analyze and report permit limits based on the lower criteria. It has also engaged an expert to evaluate the human health criteria to see how it should be applied on a scientific basis in this state. A limited amount of time to accomplish this would be reasonable.

Our 265 employees and contractors at Belle plant are committed to good environmental stewardship, and care about our effect on the state's resources. In that regard, we would note that no one has identified any public water supply that would be unable to provide drinkable water as a result of passing SB 163 as it is presently drafted. We can have jobs and a healthy environment, and SB 163 is a key part of achieving that balance.

With appreciation,

A handwritten signature in cursive script that reads 'J.A. Harris'.

James A. Harris
Plant Manager, Chemours Belle

cc: Members of the House of Delegates



Jeff Fritz
Government Affairs Director

The Chemours Company
9512 Sea View Cove
Fort Wayne, IN 46835-9604
(260) 485-3015
jeff.fritz@chemours.com

February 13, 2019

The Honorable Roger Hanshaw
Speaker of the House of Delegates
West Virginia Capitol
1900 Kanawha Boulevard, East
Charleston, WV 25305

Dear Mr. Speaker:

I thank you for the opportunity to emphasize the importance of SB 163 to Chemours' operations in West Virginia, and urge your colleagues to pass out the Department of Environmental Protection rules bundle in its current form. We believe a further review of the human health criteria, and more importantly a close scrutiny of the manner in which the criteria were developed and would be applied, are important for industrial operations and municipalities throughout the state.

One concern that has been raised about SB 163 is the amount of time between the Environmental Protection Agency's proposal of default human health criteria in 2015 and the present. In my experience working in West Virginia and in other states, this is not an unusual situation. The EPA default criteria were not proposed as state criteria until the West Virginia triennial review rule was issued for comment in June of 2018, and after that time the rulemaking process played out in normal fashion. Industry and municipalities believed that further work should have been done on the criteria to make them more relevant to West Virginia, and when the rule was advanced by the DEP without all those suggested changes having been made, the West Virginia Manufacturers asked the Legislative Rule-making Review Committee for an opportunity to perform the complex analysis required for human health criteria derivation. SB 163 allows a reasonable amount of time to do just that, and I hope you will support that effort.

We at Chemours do not believe that West Virginia is behind the curve in taking the time to address this important issue scientifically. We have been told that Tennessee, Kentucky, North and South Carolina and Georgia are all deferring adoption of the 2015 criteria. Nor do we believe that the additional time will present any risk of harm to West Virginians. Almost all the criteria proposed for adoption this year already are limited in the state's water quality standards. West Virginia applies these current criteria in a fashion that is more stringent than neighboring states, and this adds yet another layer of protection to criteria that already are based on conservative assumptions.

SB 163 provides protections to West Virginians, while allowing time for our municipalities and manufacturers to get the human health science right. I hope that the House of Delegates will be able to support it in the form that it came out of the Senate.

Please don't hesitate to contact me if I can provide you any additional information about this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Fritz", is written over a light blue horizontal line.

Jeff Fritz
Government Affairs Director

cc: Members of the House of Delegates



Honorable Speaker Hanshaw
Room 228M, Building 1
State Capitol Complex
Charleston, WV 25305

February 12, 2019

Comments Supporting SB 163

Dear Speaker Hanshaw,

As site leaders of Covestro LLC's West Virginia facilities, we urge you to support SB 163 as it was received from the WV Senate. Covestro is a leading producer of polymers and high-performance plastics. Our products range from raw materials for polyurethanes to high-performance polycarbonates and precursors for paints.

Covestro LLC has two manufacturing facilities in West Virginia, one located in South Charleston and one in New Martinsville. Covestro has been operating in West Virginia for over 65 years and employs more than 300 West Virginians.

SB 163, the DEP rules bundle, includes the US EPA 2015 water quality standards established during the Obama administration. The West Virginia Senate recognized the need for more time for both DEP and industry to study EPA's proposed human health criteria and determine what is right and best for West Virginia. SB163 reflects that by providing more time for DEP's rule making process.

West Virginia isn't alone. While a few states have adopted the EPA default criteria, most states are deferring adoption of the 2015 criteria during their current triennial reviews.

The current bill gives the industry more time to work with the West Virginia Manufacturers Association and its members to do a comprehensive technical study and analysis to determine the science behind the US EPA numbers and how they should be applied to WV.

Our state is poised for much-needed manufacturing investment and job growth. If the water quality rules were to go into effect now it could possibly jeopardize future investment at our sites in WV. While Covestro values the efforts of the DEP, it is clear that more information and work is needed to adopt the best possible criteria for our state.

Covestro LLC
501 Second Ave
South Charleston, WV 25303

17595 Energy Road
Proctor, WV 26055



We urge you to support SB 163 as it was received from the WV Senate.

Sincerely,

Handwritten signature of Barbara J. Buck in black ink.

Barbara Buck

Site Leader, South Charleston

Handwritten signature of Craig A. Graybill in black ink.

Craig Graybill

Site Leader, New Martinsville



Union Carbide Corporation
A Subsidiary of The Dow Chemical Company
U.S.A

February 12, 2019

The Honorable Roger Hanshaw
Speaker of the House of Delegates
Room 228M, Building 1
State Capitol Complex
Charleston, WV 25305

Re: House Consideration of Senate Bill 163, the WVDEP Rules Bundle

Dear Speaker Hanshaw:

On behalf of the more than 1,000 employees and contractors of The Dow Chemical Company's West Virginia Operations, I appreciate the opportunity to comment on the impact of the West Virginia Division of Environmental Protection's (WVDEP) adoption of the U.S. Environmental Protection Agency's (USEPA) Human Health Criteria to the Water Quality Standards. Dow appreciates the efforts of the WVDEP in evaluating the EPA guidance and understands the Division has a responsibility to implement policy.

In this case, however, industry's evaluation of the results developed by the WVDEP has identified two key inconsistencies in the conclusions reached.

1. **Modeling Factors:** When the USEPA first developed the Human Health Criteria, the American Chemical Council (ACC) submitted comments noting its concerns with the factors used in the modeling to establish the criteria, which included average body weight, surface water drinking consumption rate, fish consumption rate, bioaccumulation factors, health toxicity values, and other relative source contributions. The factors that USEPA recommended do not reflect the best science and are questionable with regards to site-specific information. However, in spite of these concerns the USEPA issued the criteria in 2015 as guidance for states to use in the development of their Water Quality Standards (WQS). As the USEPA clearly stated in its 2015 Fact Sheet (EPA 820-F-15-001), these criteria are not rules, nor do they automatically become part of a state's water quality standards. States may adopt the criteria that EPA publishes, modify EPA's criteria to reflect site-specific conditions, or adopt different criteria based on other scientifically-defensible methods. Dow is concerned that the calculated criteria are heavily dependent on trophic levels that are not even present, much less consumed, by fish native in the streams in West Virginia. Simply put, the data used to calculate the human health criteria are based on consumption of species and exposure assumptions not present in West Virginia rivers.
2. **Implementation of Criteria:** Dow supports the establishment of criteria that are properly protective of human health and the environment. Dow West Virginia Operations is approximately 100 miles upstream from the nearest public drinking water intake.

However there are numerous instances in which the criteria have been set below the minimum level of analytical detection using required USEPA methods. In some cases, they surpass even the best analytical methods currently available. A non-detect is not an accurate indication that the chemical is not present above the criteria. Also, this technical limitation may lead to inaccurate results due to interference or other

confounding factors at such low levels of measurement. The result is regulatory uncertainty in determining whether companies are in compliance with the law.

Dow West Virginia Operations works hard every day to be as globally competitive as possible while meeting all of its environmental requirements. West Virginia competes with many other states for investments, and many of these states are taking additional time to evaluate the criteria carefully before making decisions regarding implementation.

Dow respectfully requests the additional time to have experts evaluate the modeling factors and analytical capabilities to ensure the best possible outcome for West Virginia's communities. As such, we ask that the House of Delegates maintain the Senate's position on the water quality standards rule (formerly SB 167) in Senate Bill 163, the WVDEP Rules Bundle.

Thank you for your consideration of our concerns. Please contact me if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim O'Neal', with a stylized, flowing script.

Tim O'Neal
Site Director, West Virginia Operations
Union Carbide Corporation a Subsidiary of The Dow Chemical Company



1851 Main Street, P.O. Box 670, Follansbee, WV 26037

The Hon. Roger Hanshaw, Speaker of the House
West Virginia House of Delegates
Room 228M, Building 1
State Capitol Complex
Charleston, WV 25305

February 12, 2019

Dear Speaker Hanshaw,

Thank you for your consideration of Senate Bill 163, the 2019 rules bundle for the West Virginia Department of Environmental Protection.

Mountain State Carbon in Brooke County respectfully asks that the House of Delegates approve SB163 as it was received by the Senate, particularly with regard to the water quality standards rule (formerly pending as SB167).

Mountain State Carbon is a wholly owned subsidiary of AK Steel Corporation that produces up to 1.2 million tons of metallurgical coke for use in its iron-making blast furnaces, or for sale to other steelmakers and foundries. The plant, located on the Ohio River in Follansbee, employs approximately 260 people.

By way of background, MSC operates an advanced physical-chemical and biological treatment system for by-product coke plant process waters that meets and exceeds the U.S. Environmental Protection Agency's Best Available Technology treatment standards. MSC meets its NPDES permit effluent limits that are based on the current West Virginia and ORSANCO water quality standards for the Ohio River.

Regarding DEP's proposed water quality standards, Mountain State Carbon submitted detailed comments during the public comment period in 2018. A summary of those comments is below. You will see that Mountain State Carbon would be the only coking plant in the nation that has to comply with EPA's proposed human health criteria if they are adopted by West Virginia. The vast majority of states are taking time to perform their own due diligence to determine what is appropriate.

Our overarching message is that the approach adopted by the Senate that sets out a specific timeline for updating West Virginia's human health criteria is a good compromise. It will allow those directly affected by changes in water quality standards to determine what the correct human health criteria should be for West Virginia. This is a responsible, mindful approach, and we support it.

Mountain State Carbon's Summary Comments on DEP's Proposed Water Quality Standards Updates:

- MSC finds that the proposed revisions to the West Virginia human health water quality standards are legally insufficient and the "fiscal note" on page 2 of the proposed revised standards does not meet the requirements of the West Virginia Administrative Procedures Act (§29A-3-1, et. seq).
- MSC recommends the Department preserve the currently-effective WV human health water quality criteria at (§47 CSR-2 Appendix E, Table 1) and not adopt the EPA recommended national criteria for the following reasons:
 - States are not required to adopt the federal criteria.
 - The EPA criteria are overly conservative, and in some cases are more than 90% more stringent than the current WV water quality criteria.
 - EPA failed to correct critical flaws and errors in methodology for its 2015 criteria.
 - Prior (2014) comments by the Department about the EPA national criteria were critical and remain valid today. EPA did not take those comments into account.
 - The EPA criteria do not take into account state-specific information and data, including that West Virginians consume significantly less fish than the national average.
 - In a number of cases, the more stringent criteria cannot be achieved with conventional process wastewater treatment technology.

To our knowledge, MSC would be the only coke making facility in the USA that would be subject to such stringent standards.

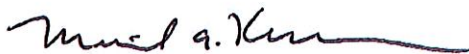
If the proposed revisions to the human health water quality criteria are adopted, MSC would have to install technologies that would entail substantially minimizing or eliminating process wastewater and cooling water discharges to the Ohio River.

Such treatments would likely cost in excess of \$20,000,000, and likely entail high annual incremental operating and maintenance costs in excess of \$3,000,000, **for no discernable human health or environmental benefit.** And this is a conservative estimate. Only if the proposed revisions to the West Virginia water quality standards become effective and the associated effluent discharge limits are established will AK Steel be able to evaluate fully the costs of compliance and impacts to the business before establishing an appropriate course of action.

SB163, as it was approved by the West Virginia Senate, sets out a wise course of action. We respectfully ask the House of Delegates to adopt SB163 as it was received.

Thank you for your time and attention, Mr. Speaker. We appreciate your public service.

Kindest regards,



Mike Kerckmar, President
Mountain State Carbon



February 12, 2019

The Honorable Roger Hanshaw
Speaker of the House of Representatives
Room 228M, Building 1
State Capitol Complex
Charleston, WV 25305

Dear Mr. Speaker:

I am writing today to both introduce my company, ND Paper, as well as provide feedback on Senate Bill 163 which was introduced to the House on February 8th.

ND Paper is a large manufacturer of pulp and paper products, operating four North American facilities with over 1.1 million metric tons of annual production capacity. In West Virginia, our Fairmont Division is one of three mills in the world producing air-dried recycled pulp, a raw material used in other papers like packaging, publications, and bath tissue.

One of our core, foundational values is a commitment to environmental sustainability that leaves the planet better than we found it. We simply cannot operate successfully for the long-term without wisely using and fiercely protecting the natural resources vital to our manufacturing process. Not surprisingly, we comply with all federal and state-mandated limits on air and water emissions.

That said, effective regulations are based on careful consideration of all the facts. Recent proposed legislation has contemplated the adoption of Obama-era US EPA human health criteria that are increasingly restrictive compared to current standards. The US EPA encourages the use of state-specific values when adopting human health water quality standards, which we believe is more appropriate. As a contrasting example, one of our facilities in a state that adopted the default standards had no option but to perform a multi-year, site-specific study to justify alternative limits. Even though that work delivered acceptable results, it diverted significant time and money that would otherwise be invested in the site.

In SB 163, the West Virginia Senate has recognized the need for more time for both DEP and industry to study EPA's proposed human health criteria and determine what is right and best for West Virginia. SB163 reflects that by providing more time for DEP's rule making process. We believe this is fair and ask for your support of SB163 as submitted from the WV Senate.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Demyon".

Steven Demyon
Vice President and General Manager
ND Paper Fairmont Division

CC: House of Delegates



**Westlake
Chemical**

P.O. Box 191 ■ New Martinsville, WV 26155
304-455-2200

February 12, 2019

**The Honorable Roger Hanshaw
Speaker
West Virginia House of Delegates**

Subject: SB163

Mr. Speaker,

I am writing to urge you to support SB 163 as it was received from the WV Senate. The West Virginia Senate has recognized the need for more time for both DEP and industry to study EPA's proposed human health criteria and determine what is right and best for West Virginia. SB163 reflects that by providing more time for DEP's rule making process.

I am the Site Director for Health, Safety & Environmental Compliance at Westlake Chemical located in New Martinsville, WV. We are a chlor-alkali manufacturing facility that employs close to 500 fellow West Virginians. Our facility sits on the banks of the Ohio River. Our employees use the river for all types of recreation purposes. The quality of the river is extremely important to the well-being of our employees.

It is most important that the proposed changes to the human health criteria reflect actual conditions of the State's population and quality of its Rivers. It is evident to me that there are uncertainties associated with how the new human health criteria were developed. I attended the Senate Judiciary Committee Stakeholder's meeting to voice support for allowing additional time to study and develop the right methods for establishing human health criteria.

The DEP's proposed changes to Human Health Criteria will have a significant financial impact on the Westlake Chemical New Martinsville's operation, and we expect that they are developed using sound science and reflective of West Virginian water inputs.

I believe more work is needed to adopt the best possible criteria for our state. Other states are taking the time to evaluate these criteria, or they are applying them in a safe but achievable manner. With SB163, WV is taking a protective and appropriate approach.

The US EPA encourages the use of state-specific values when adopting human health water quality standards, so the new approach via SB163 is in line with the state's primacy over its water quality standards.

The West Virginia Manufacturers Association is working on behalf of companies like mine to address this issue. I encourage you to call Rebecca McPhail at the WVMA if you need additional information, she can be reached at 307-767-5189. I am also available to discuss this matter further. I urge you to support SB 163 as it was received from the WV Senate.

Thank you for your consideration,

John M. Hirschfield
Director, Environmental, Health and Safety
Cell Phone: 304-815-5253



February 12, 2019

MAYOR STEVE WILLIAMS
President, Huntington
MAYOR SERAFINO NOLLETTI
Vice President, Logan
COUNCILOR KEVIN KNOWLES
Secretary, Martinsburg
MAYOR CHRIS TATUM
Treasurer, Barboursville
MAYOR CATHERINE GOINGS
Clarksburg
MAYOR RANDY RAPP
Vienna
MAYOR DAVID VELEGOL
Follansbee
MAYOR BILL KAWECKI
Morgantown
MAYOR TOM MAINELLA
Fairmont
MAYOR TOM JOYCE
Parkersburg
MAYOR DENNIS FITZPATRICK
Glenville
MAYOR GEORGE KAROS
Martinsburg
MAYOR RANDY BARRETT
Winfield
MAYOR CAROLYN RADER
Ripley
MAYOR SCOTT JAMES
St. Albans
MAYOR DAVID MCCAULEY
Buckhannon
MAYOR RON MARTIN
Bluefield
MAYOR DAVID GRAHAM
Princeton
MAYOR H.H. HOWELL
Madison
MAYOR MICHAEL KESSINGER
Mount Hope
MAYOR JIM BLEVINS
Man
MAYOR ROB RAPOLD
Beckley
MAYOR GLENN ELLIOTT
Wheeling
MAYOR STEVE BOHRER
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Spencer

The Honorable Roger Hanshaw
Speaker of the House
Room 228M
Charleston, WV 25305

Dear Mr. Speaker,

SB 163, the Water Quality Standards for Human Health, as amended and passed by the Senate has the full support of the WV Municipal League. We appreciate the Legislature's willingness to allow this bill to move forward.

There are many unanswered questions regarding the science behind these criteria which we believe the DEP should evaluate thoroughly before asking the rule making review committee to adopt in the first place. The Senate amendment will allow a little time to gather information and hopefully provide clearer understanding for the State DEP.

Municipal Utilities are in place to provide clean water and safe sanitary sewer systems to protect the environment, not only for our municipal citizens but for all customers receiving our service. Further, our operators are trained and certified and our systems are permitted by the State. We take public health seriously.

We are urging the Legislature to continue the movement of SB 163 as amended by the Senate, allow for the collection of scientific data, and implement the rules with achievable outcomes for all involved.

Thank you for allowing our comments and we look forward to working with the DEP and the Legislature on this most important rule.

Sincerely,


Lisa Dooley

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Charleston, WV 25311
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WEST VIRGINIA MUNICIPAL WATER QUALITY ASSOCIATION

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P.O. Box 1310
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February 12, 2019

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Members of the West Virginia Legislature

Re: Deferral of Adoption of Updated Water Quality Standards for Human Health Support SB 163 as Received from the WV Senate

Dear Senators and Delegates:

Thank you for your service to the citizens of West Virginia.

MEMBER AGENCIES

Barboursville, Village of
Beckley Sanitary Board
Bluefield Sanitary Board\
Bluewell PSD
Boone County PSD
Bridgeport, City of
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Wheeling, City of
Wheeling WPCD
Williamstown Public Works
Worthington SB, Town of

I am General Counsel to the West Virginia Municipal Water Quality Association. The MWQA comprises public water, sewer, and stormwater utilities statewide.

As providers of public water and sewer utility service, we support all necessary and appropriate environmental regulation and requirements. We are not in the business of cutting corners on the environment and certainly not public health. We rarely weigh in on legislative matters.

That said, I write to express our support of the currently language in SB 163 and the legislature's willingness to maintain current human health criteria to allow further state specific values for consideration for future criteria. The recommendations by the US EPA in 2015 are concerning to our members. Some criteria were relaxed significantly while others were reduced significantly. We question whether anyone really understands the appropriateness of these significant swings in the criteria and their affect on public utilities statewide.

EPA's human health criteria are notoriously stringent to begin with. Typically they seek to prevent one additional cancer in either 100,000 or 1 million people (based upon very conservative – and unlikely – consumption/exposure scenarios). For the criteria at issue, this highly conservative derivation approach is compounded by the stacking of huge margins of safety before the final numbers were arrived at. We believe it is incumbent on DEP to better understand the science behind these criteria and to evaluate the truly excessive margins of safety incorporated therein.

We also believe that DEP should evaluate the impact of these criteria on both public and private dischargers before asking the legislature to adopt them. Most other states

CONSULTANT MEMBERS

Burgess & Niple
Civil & Environmental Consultants, Inc.
CT Consultants, Inc.
Potesta & Associates
Strand Associates, Inc.
The Thrasher Group

GENERAL COUNSEL

Paul Calamita, AQUALAW

would require a meaningful fiscal note to accompany the adoption of 60 new statewide water quality criteria – especially ones changing as drastically as these.

We would hate to see major treatment costs imposed on the citizens (including businesses) of the State in the name of protecting human health when the arbitrarily excessive margins of safety are such in the criteria that no threat or risk to human health is really implicated. We believe that margins of safety in the range of 1000 to 3000 times were applied to the majority of the criteria proposed by the US EPA in 2015. Such excessive margins on top of the already extremely conservative assumptions made in deriving the criteria is unwarranted based upon the information currently available.

We urge members of the Legislature to stay the course on SB 163, allowing more state specific data to be developed and to ensure that WV DEP provides the Legislature with better information to assess the appropriateness of these criteria for West Virginia's waters.

Thank you for considering this input. I am available should you require any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Paul Calamita".

Paul Calamita

General Counsel

[WV Municipal Water Quality Association](#)